

# Notice of Allowability

Application No.

10/003,052

Examiner

Minerva Rivero

Applicant(s)

VAFIN ET AL.

Art Unit

2655

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/19/2005.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ The drawings filed on 11/02/2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☒ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Responding to the Office Action mailed 10/14/2004, in the Remarks filed on 1/19/2005, Applicant amended claims 21 and 22 for compliance with 35 U.S.C. § 101. Furthermore, Applicant amended claims 1-26, and submitted arguments to traverse the rejection of claims 1-26.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 20-21, 23 and 25 (see Page 11, Lines 3-9 and Page 13, Lines 11-16) have been fully considered and are persuasive. The rejection of claims 1-26 has been withdrawn. No new art having been found the claims are allowed, with an Examiner's Amendment, next.

## **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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4. The application has been amended as follows:
5. The following subheadings have been inserted in the Specification: *Field of the Invention* (Page 1, Line 1), *Background of the Invention* (Page 1, Line 3), *Summary of the Invention* (Page 2, Line 29), *Brief Description of the Drawings* (Page 5, Line 27), and *Detailed Description of the Invention* (Page 6, Line 16).
6. The title of the invention has been amended <sup>to read</sup> as follows: *Method and Apparatus for Audio Coding using Transient Relocation*.

***Allowable Subject Matter***

7. Claims 1-26 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter:
9. Regarding claims 1 and 25, Levine discloses a method and apparatus of coding an input signal, the method comprising:  
estimating a location of at least one transient in a time segment of the input signal (Col. 13, Lines 49-60);

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modifying the location of the transient (Col. 15, Lines 41-50; Fig. 28, element 2815); and

modeling the modified signal (Col. 15, Lines 50-52).

However, Levine does not teach nor fairly suggest moving the transient to a specified location on a predetermined time scale to obtain a modified signal, but stretches the time scale of the non-neighboring transient region of variable duration, so that the location of the moved transient is not specified in advance.

10. Claims 2-19 and 26 are allowed because they further limit their parent claims.

11. Regarding claims 20, 21 and 23, Johnston suggests a signal comprising side information describing an original time difference between corresponding signals, synthesizing a synthesized signal for the at least two channels and unwarping the synthesized signal according to the original time difference (a decoder receives a signal which includes synchronization, framing and other side information, Col. 7, Lines 50-57), but fails to disclose the signal is a modeled modified signal wherein a location of transients in at least two channels has been modified. [See Applicant's Specification, Page 3, Lines 1-13].

12. Claims 22 and 24 are allowed because they further limit their parent claims.

***Information Disclosure Statement***

13. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Conclusion***

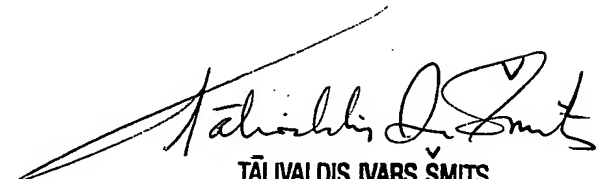
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (571) 272-7628. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 6/10/2005



TĀIVALDIS NARS SMITS  
PRIMARY EXAMINER